

SENATE BILL No. 528

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-6-3; IC 35-46-1-10.

Synopsis: Tobacco sales. Provides that an individual who is less than 18 years of age may not enter a retail establishment if at least 50% of the establishment's revenues are generated from the sale of tobacco products. Requires that an individual be at least 18 years of age to sell tobacco products. Requires that all tobacco products for sale in a retail establishment not be accessible to customers. Provides that a person who owns or has control over an establishment selling tobacco products at retail: (1) must place all tobacco products in a location so that only the employees of the retail establishment may have access to the tobacco products; and (2) commits a Class B infraction for failing to place all tobacco products out of the reach of the establishment's
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Effective: July 1, 1999.

Miller, Gard

January 19, 1999, read first time and referred to Committee on Governmental and Regulatory Affairs.



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customers. Provides that an individual who knowingly sells or distributes tobacco to a person less than 18 years of age commits a Class B infraction. (Current law makes this violation a Class C infraction.)

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 528

A BILL FOR AN ACT to amend the Indiana Code concerning tobacco.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 7.1-6-3 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1999]:

4 **Chapter 3. Youth Access to Tobacco**

5 **Sec. 1. An individual who is less than eighteen (18) years of age**
6 **may not enter a retail establishment if at least fifty percent (50%)**
7 **of the retail establishment's revenues are generated from the sale**
8 **of tobacco products.**

9 **Sec. 2. An individual must be at least eighteen (18) years of age**
10 **to sell tobacco products in the course of the individual's**
11 **employment.**

12 **Sec. 3. (a) Tobacco products for sale in a retail establishment**
13 **may not be accessible to the customers of the retail establishment.**

14 **(b) An individual who wishes to purchase a tobacco product in**
15 **a retail establishment must ask an employee of the retail**



1 establishment to obtain the tobacco product.

2 (c) A person who owns or has control over a retail establishment
3 selling tobacco products shall place all tobacco products in the
4 retail establishment in a location so that only the employees of the
5 retail establishment have access to the tobacco products.

6 (d) A person who:

7 (1) owns or has control over a retail establishment selling
8 tobacco products; and

9 (2) violates this section;

10 commits a **Class B** infraction.

11 SECTION 2. IC 35-46-1-10 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) A person who
13 knowingly sells or distributes tobacco to a person less than eighteen
14 (18) years of age commits a ~~Class C~~ **Class B** infraction.

15 (b) It is not a defense that the person to whom the tobacco was sold
16 or distributed did not smoke, chew, or otherwise consume the tobacco.

17 (c) It is a defense that the accused person reasonably believed that
18 the buyer or taker was at least eighteen (18) years of age.

19 (d) It is a defense that the accused person sold or delivered the
20 tobacco to a person who acted in the ordinary course of employment or
21 a business concerning tobacco:

22 (1) agriculture;

23 (2) processing;

24 (3) transporting;

25 (4) wholesaling; or

26 (5) retailing.

27 (e) As used in this section, "distribute" means to give tobacco to
28 another person as a means of promoting, advertising, or marketing the
29 tobacco to the general public.

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